

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
THOMAS SCHANSMAN et al., :
 :
 Plaintiffs, : ORDER
 :
 -v.- :
 : 19 Civ 2985 (ALC)(GWG)
 SBERBANK OF RUSSIA PJSC et al., :
 :
 Defendants. :
-----X

GABRIEL W. GORENSTEIN, UNITED STATES MAGISTRATE JUDGE

In conjunction with the briefing of the plaintiffs’ Motion to Compel (Docket # 478), the Court is in receipt of applications from parties to this case to maintain under seal memoranda and exhibits containing information defendant VTB Bank PJSC (“VTB”) has designated confidential pursuant to a protective order in this case. See Docket ## 477, 493, 496.

We previously delineated the governing standard in In re New York City Policing During Summer 2020 Demonstrations, 2022 WL 7886182 (S.D.N.Y. Oct. 14, 2022). In applying the applicable three-part test here, we recognize first that these documents filed with the Court to brief the plaintiffs’ discovery motion are necessarily “judicial documents” to which a presumption of access attaches. Id. at *1 (citing Lugosch v. Pyramid Co. of Onondaga, 435 F.3d 110, 119-120 (2d Cir. 2006)). However, in discovery disputes, the weight of the presumption is not strong. See id. at 2. VTB has identified the “inherently sensitive” nature of communications between regulators and the entities they regulate (persuasively likening its situation to domestic “bank examination privilege” and discussing the interest in “the integrity of the regulatory process”). Docket # 496 at 1-2.

Because the weight of the presumption in this context is low, VTB has identified a substantial argument in favor of its sealing, and the applications are unopposed, we find that the burden has been carried in favor of sealing. Thus, we grant the applications at Docket ## 477, 493, and 496 to maintain under seal the redacted portions of the memoranda and exhibits referenced in those applications. The documents are already sealed and thus no action by the Clerk is required.

SO ORDERED.

Dated: May 12, 2023
New York, New York


GABRIEL W. GORENSTEIN
United States Magistrate Judge